IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

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WRIT PETITION NO : 5215 of 1995

Between:

1.Bagari Anandam S/o.Ramayya
R/o.Mominpet Village & Mandal R.R.Dist.
2.Smt.Devamma W/o.Late Bagari Lachaiah
R/o.Kasalabad Village,

Mominpet Mandal R.R.Dist. **..... PETITIONERS**

AND

1.The Dist Collector, R.R.Dist.
2.Revenue Divisional Officer
Vikarabad.
3.Mandal Revenue Officer
Mominpet Mandal, R.R.Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the impugned action of the respondents herein in not granting compensation not allotting any other lands in lieu of land an extent of Ac.2-78 guntas in Survey.No.90 situated at Kasalabad Village, Mominpet Mandal, R.R.Dist which belonging to the petitioners which are submerged in Nandivagu Project, R.R.dist as arbitrary, illegal and violative of Article 21 of the Constitution of India and further this Hon'ble court may be pleased to direct the respondents herein to pay the compensation for the lands belonging to the petitioners an extent of Ac.2-78 guntas in Survey.No.90 at Kalasabad village,Mominpet Mandal,R.R.Dist.

Counsel for the Petitioners: MR.Y.RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER:

The petitioners had been granted assignment, on payment of costs of the land on installment basis. Admittedly, they had paid only one instalment at Rs.265/- per acre, when the land got submerged, the petitioners want compensation at the market rate in accordance with the provisions of the Land Acquisition Act.

During the course of hearing, learned Counsel for the petitioners submitted that he would with draw the petition if a direction is given to the respondents to consider the case of the petitioners for the purpose of fresh allotment on the ground that the petitioners are landless poor and by submergence of the land, they have no other means to sustain.

Keeping in view his submissions, I dispose of the writ petition with a direction to the respondents to consider the application, if made by the petitioners for grant of patta on an alternate land, considering the fact that the petitioners are landless poor. Respondents may consider the application within three months after it is made. No costs.

2nd September, 2004

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Copy to:

1.The Dist Collector, R.R.Dist.
2.The Revenue Divisional Officer
Vikarabad.
3.The Mandal Revenue Officer

Mominpet Mandal, R.R.Dist.

4.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5. Two CD copies.